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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,378	02/21/2002	Satoshi Kusaka	NIP-259	4953
7590	05/05/2004		EXAMINER	CABRERA, ZOILA E
MATTINGLY, STANGER & MALUR, P.C. Suite 370 1800 Diagonal Road Alexandria, VA 22314			ART UNIT	PAPER NUMBER
			2125	
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/078,378	KUSAKA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Zoila E. Cabrera	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 February 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-8 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims, 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Spira et al. (US 2002/0035495 A1)**.

**Spira et al.** discloses a power generation plant remote control and operation system (Page 10, 0141-0142, lines 1-10; Page 12, 0168, lines 5-8)comprising:

With respect to claim 1,

- a plurality of thermal power generation plants (Page 3, 0050, lines 1-10, the invention can be used in thermal power stations and provides custom design integrated maintenance services covering every type of plant and equipment, irrespective of manufacturer and technology involved) each of which is provided with a communication terminal and a function of controlling respective elements based on an operation signal inputted via the communication terminal and a remote control center which is connected to the communication terminal via a communication line (Page 12, 0168,i.e., for teleservicing, on-line connections are

made between the systems and specialists and the process control system to enable rapid fault diagnosis and direct access to the system; 0174, lines 21-26, i.e., continuous monitoring of the conditions on-line or telemonitoring allows the plant to operate at maximum efficiency; 0166, i.e., a trouble shooting component includes analysis via a hot line or by teleservicing, remedial action via a hot line or teleservicing and suggestions for optimization; Page 4, 0054, lines 5-8), accesses the elements representing control objects in the respective thermal power generation plants (Page 12, 0168, lines 5-8) and remotely controls operating states (Page 9, 0126, lines 6-9; Page 1, 0008, lines 11-18) including starting and stopping of the concerned thermal power generation plant (Page 8, 0110, lines 17-20, startup; Fig. 3, SHUTDOWNS).

Regarding claims 2-8, **Spira** further teaches,

- the system being constituted in such a manner that after performing a guidance of starting and stopping operation for the concerned thermal power generation plant, the control of the operation states including starting and stopping the plant is remotely aided (Page 8, lines 17-20, startup; Fig. 3, Shutdown; Page 22, claim 15, plant maintenance services includes shutdown services; Page 9, 0126, lines 6-9);
- the communication line is constituted by a network line including an internet (Page 9, 0126, lines 6-9);
- the communication line is constituted by a network line including a satellite communication line (Page 8, 0117, lines 1-3);

- the remote control center monitors the states of the respective elements (Page 12, 0174, lines 21-26; Page 8, 0117, lines 1-6) and/or the operating states of the thermal power generation plants.
- the thermal power generation plant pays a consideration to the remote control center based on its own operating state controlled by the remote control center (Page 8, 0117, lines 3-6, Detection of faults is possible in the shortest time and location of the source of the faults is provided; software faults are cured by interactive transfer of programs and data; 0114, lines 5-7, the provider operates within the framework of a specified cost);
- a reference operating state of the above consideration payment is set based on any one of number of auxiliary machines in the plant, complexity of control object line system, magnitude of output of the plant, and amount of signals of the plant (0114, lines 5-7, the provider operates within the framework of a specified cost and an expected quality; Fig. 8, Total or Partial Outsourcing);
- the thermal power generation plant pays a consideration to the remote control center based on the amount of cost saving by an improvement proposal presented by the remote control center (Page 5, 0076, Energy optimization is implemented by a complete motor system review which results in optimization recommendations with the objective of project savings).

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Patent Examiner  
4/30/04



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100